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23 EDGEWOOD COMPANIES,
24 a Nevada corporation

16 UNITED STATES DISTRICT COURT
17
18 FOR THE DISTRICT OF NEVADA

19 SMC CONSTRUCTION CO., a Nevada
20 corporation,

21 Plaintiff,

22 v.

23 REX MOORE GROUP, INC., a California
24 corporation (designated a Nevada
corporation in error), and DOES 1 through
5, inclusive,

25 Defendants.

26 AND RELATED CROSS-ACTION.

27 Case No. 3:17-cv-00470-MMD-VPC

28 **STIPULATION FOR DISMISSAL OF
ENTIRE ACTION WITH PREJUDICE
AND [PROPOSED] ORDER**

29
30 **INTRODUCTION**

31 This Stipulation for Dismissal of Entire Action with Prejudice (the “Stipulation”) is
32 entered between SMC Construction Co. (“SMC”), Rex Moore Group, Inc. (“Rex Moore”),

1 Edgewood Companies (“Edgewood”), and Liberty Mutual Insurance Company (“Liberty”)
2 (collectively, “the Parties”), as follows:

3 **RECITALS**

4 A. On or about July 20, 2017, SMC filed an action against Rex Moore in the Ninth
5 Judicial District Court of the State of Nevada in and for the County of Douglas, as Case No. 17-
6 CV-0154 (the “State Court Action”).

7 B. On or about August 8, 2017, Rex Moore filed its Petition for Removal of the State
8 Court Action to the United States District Court for the District of Nevada, as Case No. 3:17-cv-
9 00470 (the “Action”).

10 C. On or about August 15, 2017, Rex Moore filed its Answer to Complaint of SMC
11 Construction, Demand for Jury Trial and Counterclaim which named SMC and Edgewood as
12 counter-defendants.

13 D. On or about November 2, 2017, Rex Moore filed its Amended Counterclaim and
14 Request for Jury Trial in the Action, bringing counterclaims against SMC, Edgewood, and
15 Liberty.

16 E. On November 16, 2017, Edgewood answered the Rex Moore’s Amended
17 Counterclaim and asserted a counterclaim against Rex Moore.

18 F. The Parties participated in a Settlement Conference before Hon. Magistrate Judge
19 Valerie Cooke on March 1, 2018.

20 G. Thereafter, on March 21, 2018, the Parties executed a written settlement
21 agreement.

22 H. All conditions of the settlement have been satisfied, and the Parties wish to dismiss
23 the complaint and all counterclaims with prejudice pursuant to the terms of their settlement
24 agreement.

25 **STIPULATION**

26 IT IS HEREBY STIPULATED by and between the Parties, through their designated
27 counsel, that the Action, and each claim and counterclaim asserted therein, shall be dismissed
28 with prejudice pursuant to Federal Rule of Civil Procedure 41.

1 DATED: March 27, 2018 ROBISON, SIMONS, SHARP & BRUST
2

3 By: */s/ Kent Robison*

4 KENT ROBISON
5 Attorney for Plaintiff and Counterdefendant
6 SMC CONSTRUCTION CO.
7

8 DATED: March 27, 2018 JACOBSON MARKHAM LLP
9

10 By: */s/ Patrick T. Markham*

11 PATRICK T. MARKHAM
12 Attorney for Defendant, Counterclaimant, and
13 Counterdefendant
14 REX MOORE GROUP, INC.
15

16 DATED: March 27, 2018 DOWNEY BRAND LLP
17

18 By: */s/ Andrew L. Collier*

19 ANDREW L. COLLIER
20 Attorney for Counterdefendant
EDGEWOOD COMPANIES,
a Nevada corporation
21

ORDER

22 Pursuant to the Parties' above Stipulation, the above-captioned Action, and each claim
23 and counterclaim asserted therein, is hereby DISMISSED WITH PREJUDICE. The Clerk of the
24 Court is directed to close this case.

25 IT IS SO ORDERED.
26

27 DATED: March 27, 2018
28

By:



UNITED STATES DISTRICT JUDGE